



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1055-00

18 May 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 2 October 1979 at the age of 17. Your record reflects that you served for nearly a year without incident but on 19 September 1980 you received nonjudicial punishment (NJP) for eight specifications of absence from your appointed place of duty and missing the movement of your ship. The punishment imposed was restriction for four days, forfeitures totalling \$448, correctional custody for 28 days, and a reduction in rate. On 2 December 1981 you received NJP for failure to obey a lawful order and were awarded a \$75 forfeiture of pay.

Your record further reflects that on 3 and 17 March 1982 you received NJP for absence from your appointed place of duty, and two incidents of failure to obey a lawful order.

On 9 April 1982 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you submitted a written statement in rebuttal to the separation. However, despite the

rebuttal, the discharge authority directed your commanding officer to issue you an other than honorable discharge. On 21 May 1982 you were so discharged.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct which resulted in four NJPs. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director